

U.S. Application No. 10/030,912  
Attorney Docket: 1163-0386P  
November 3, 2003  
Art Unit: 3661

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 4-10 remain pending. Claims 4 and 8 are independent.

§ 102 REJECTION - NOMURA

In the Office Action, claim 8 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Nomura, U.S. Patent No. 5,371,678. Applicants respectfully traverse.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. See *M.P.E.P.* 2131; *M.P.E.P.* 706.02. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, independent claim 8 recites, in part, "wherein the display means displays **details of the time restriction** when a road with time restrictions is present in the route searched by the route searching means." *Emphasis added.* Nomura fails to teach or suggest at least this feature.

More specifically, Nomura is directed toward a system and method for navigating a vehicle along a set route of travel in which an optimum route of travel from a starting point of the vehicle to a destination can be set. See column 1, lines 7-10. Nomura discloses that an optimum route of travel is calculated based on start and destination points taking into account limitations related to the road such as one-way traffic and inhibition of right and left turns. See column 4, lines 31-36. During travel, external factors - such as traffic limitation information, traffic jam information, traffic accident information, and road construction information - may be taken into account to calculate a new optimum route of travel. See column 4, lines 41-48. During the calculation of optimum routes, the calculation block 23 (see Fig. 1) calculates a predicted time at which the vehicle would pass through each road node of the calculated optimum path. See column 4, lines 55-59; Fig. 4 and Fig. 5. During travel, at a particular node, if the actual time and the predicted time are outside of a predetermined tolerance level, a new optimum route is calculated. See Fig. 3, steps S11 and S21; column 7, line 56-column 8, line 36. When

the new route is calculated, the new route is displayed. See Fig. 3, step S5. Thus, Nomura may be described as always dynamically calculating the most optimum route and displaying the optimum route to the user.

However, there is no teaching or suggestion in Nomura of displaying details of the time restriction when a road with time restrictions is present in the route as recited in claim 8.

Applicants respectfully request that the Section 102 rejection of claim 8 based on Nomura be withdrawn.

§ 103 REJECTION - NOMURA, ITO

In the Office Action, claims 4, 7, and 9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nomura in view of Ito et al., U.S. Patent No. 6,470,266. Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. See *M.P.E.P.* 2142. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. See *M.P.E.P.* 2142; *M.P.E.P.*

706.02(j)). Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Claim 4 recites, in part, "wherein... the route searching means outputs the optimal route ... and at the same time searches a route by-passing the road with time restrictions." It is admitted in the Office Action that Nomura fails to teach or suggest this feature. However, contrary to the assertion made, Ito cannot be relied upon to correct at least this deficiency of Nomura.

More specifically, Ito is also directed towards a vehicular navigation system. In this instance, Ito takes into account restricted type road data. Ito discloses that the restricted type roads are defined as roads unavailable to vehicle entry, such as one-way traffic or narrow roads. See column 1, lines 52-55. In other words, the restricted type road data is limited to physical limitations of the roads themselves, which are conditions that are invariant with time. There is no disclosure in Ito that the navigation system as described accounts for time

varying limitations. Thus, Nomura and Ito are not properly combinable.

However, for the sake of argument, it is assumed that Nomura and Ito are combinable. Even under this circumstance, the combination fails to teach or suggest at least the above-recited feature. Ito clearly discloses that a recommended path between a start and destination is calculated. See Fig. 2, steps 100-300. Note that the recommended path may include a restricted type of road. Once the recommended path is calculated, if the recommended path includes restricted type of roads, the user of the vehicle is warned of such a situation. See Fig. 2, step 700; column 5, line 50-column 6, line 49. Based on the warning, the driver is free to deviate from the recommended path. See column 6, lines 50-62.

However, contrary to the assertion made in the Office Action, Ito does not disclose calculating any type of alternate route at all. Indeed, Ito simply states that the "driver can determine a detour **himself or herself**." *Emphasis added, see column 6, lines 57-59.* Clearly, this strongly teaches away from the above-recited feature.

For at least the above-stated reasons, independent claim 4 is distinguishable over the combination of Nomura and Ito.

Claim 7 depends from independent claim 4. Also, claim 7 recites, in part, "displays details of the time restriction before a branching point." As shown above, the restricted road type is strictly limited to physical limitations of the road. There is no disclosure of accounting for time varying limitations. For at least the reasons stated above, claim 7 is also distinguishable over the combination of Nomura and Ito.

Regarding claim 9, it is noted that claim 9 depends from independent claim 8, and claim 8 recites, in part, "wherein the display means displays details of the time restriction when a road with a time restriction is present in the route searched by the route searching means."

It has been shown above that Nomura fails to teach or suggest at least this feature. It has also been shown above that Ito may not properly be combined with Nomura. Further, it has been shown that Ito merely suggests considering physical road limitations into account and not any time bearing limitations of the roads when calculating optimum paths. For at

least the above stated reasons, independent claim 8 is distinguishable over the combination of Nomura and Ito. Thus, due to at least the dependency to claim 8, claim 9 is also distinguishable over the combination of Nomura and Ito.

In addition, claim 9 recites, in part, "setting to avoid traveling route with time restriction." Clearly, Ito cannot be relied upon to disclose or suggest this feature.

Applicants respectfully request that the Section 103 rejection of claims 4, 7 and 9 based on Nomura and Ito be withdrawn.

§ 103 REJECTION - NOMURA, ITO, DESAI

In the Office Action, claims 5-6 and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nomura and Ito, and in further view of Desai et al., U.S. Patent No. 5,862,509. Applicants respectfully traverse.

It is noted that the above rejected claims depend from independent claims 4 and 8, directly or indirectly. It has also been shown above that independent claims 4 and 8 are distinguishable over the combination of Nomura and Ito. Desai

has not been, and indeed cannot be, relied upon to correct at least the above-noted deficiencies of Nomura and Ito.

Therefore, independent claims 4 and 8 are distinguishable over the combination of Nomura, Ito and Desai. For at least due to their dependencies to independent claims 4 and 8, claims 5-6 and 10 are also distinguishable over the combination of Nomura, Ito and Desai.

In addition, claim 5 recites, in part, "displays each route separately when a plurality of routes are output from the route searching means." In the Final Office Action, the portions column 7, line 33 - column 8, line 32 (corresponding to Figures 8A and 8B) and column 9, line 1 - column 10, line 41 (corresponding to Figures 10A and 10B) of Desai are relied upon to allegedly disclose the above noted feature.

However, the portions may not be so relied upon. It is noted that the flow charts of both Figures 8A and 8B and Figures 10A and 10B merely describes the steps of calculating an optimum route. *Emphasis added.* There is no disclosure of calculating more than one route. Therefore, it logically follows that a plurality of routes cannot be displayed.



Also, claim 10 recites, in part, "the route searching means re-searches a route by-passing the road with time restrictions." The abstract of Desai has been relied upon to allegedly disclose this feature.

However, Desai's abstract discloses that the presence of timed turn restrictions and/or timed lane restrictions are taken into account when the optimum vehicle route from a selected origin to a selected destination with a selected departure time. Applicants find it difficult to understand how the abstract is interpreted to teach or suggest the above-recited feature.

Applicants respectfully request that the Section 103 rejection of claims 5-6 and 10 based on Nomura, Ito and Desai be withdrawn.

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**CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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